

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Terry Tyrone Pullen, Jr.,

Plaintiff,

v.

William Cool, *et al.*,

Defendants.

Case No. 1:16cv515

Judge Michael R. Barrett

ORDER

This matter is before the Court upon the November 12, 2019 Magistrate Judge's Report and Recommendation ("R&R") recommending that Plaintiff's Motion for Extension of Time to file a Notice of Appeal be denied. (Doc. 105). Plaintiff filed untimely objections to the Magistrate Judge's R&R. (Doc. 105). In his objections, Plaintiff argues that he should not have to show "excusable neglect or good cause" under Federal Rule of Appellate Procedure 4(a)(5)(A) because the Magistrate Judge has not previously enforced this requirement.

"District courts have only limited authority to grant an extension of the thirty-day time limit for filing an appeal." *Jackson v. Chandler*, 463 F. App'x 511, 513 (6th Cir. 2012) (citing 28 U.S.C. § 2107(c); *Bowles v. Russell*, 551 U.S. 205, 208, 127 S.Ct. 2360, 168 L.Ed.2d 96 (2007)). The Sixth Circuit has explained that "good cause" under Federal Rule of Appellate Procedure 4(a)(5)(A) is to be "found where forces beyond the control of the appellant prevented her from filing a timely notice of appeal." *Nicholson v. City of Warren*, 467 F.3d 525, 526 (6th Cir. 2006) (citing *Mirpuri v. ACT Mfg., Inc.*, 212 F.3d 624, 630 (1st Cir. 2000)). "Excusable neglect has been held to be a strict standard which is

met only in extraordinary cases.” *Id.* However, here, Plaintiff has failed to allege any basis for good cause or excusable neglect in either his motion or his objections to the Magistrate Judge’s R&R. Therefore, Plaintiff is precluded from relief. *Accord Wilson v. United States*, 229 F.3d 1155 (6th Cir. 2000) (citing *Pryor v. Marshall*, 711 F.2d 63, 64-65 (6th Cir.1983). Accordingly, the Court hereby **ADOPTS** the November 12, 2019 Magistrate Judge’s R&R (Doc. 105). Plaintiff’s Motion for Extension of Time to file a Notice of Appeal (Doc. 104) is **DENIED**.

IT IS SO ORDERED.

/s/ Michael R. Barrett
JUDGE MICHAEL R. BARRETT